

Small Claims Petition

Case No. _____

§ In the Small Claims Court of

Plaintiff

§ Harris County, Texas

vs.

§

§

§ Precinct _____, Place _____

Defendant

THE STATE OF TEXAS

COUNTY OF HARRIS:

Plaintiff: _____

Address: _____

City: _____ State: _____ Zip: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Home Phone Number: _____ Work Phone Number: _____

being duly sworn, on oath, deposes and says that:

Defendant: _____

Address: _____

City: _____ State: _____ Zip: _____

Home Phone Number: _____ Work Phone Number: _____

Driver's License Number: _____ State: _____ Date of Birth: _____

Other: _____

is justly indebted to Plaintiff in the amount of \$ _____ for *(describe the nature of the claim, including all pertinent dates; attach additional page if necessary)*.

and there are no counterclaims existing in favor of the Defendant and against the Plaintiff, except: *(describe any claim the Defendant is making against the plaintiff)* _____

Respectfully submitted,

Signature of Plaintiff

SUBSCRIBED and SWORN TO BEFORE ME on _____.

NOTARY PUBLIC, State of Texas

Clerk of the Court

Justice of the Peace, Precinct _____, Place _____

***Service of Process:** No judgment may be rendered against a defendant unless the defendant has been properly served with process. Defendants may be natural persons, individuals, or persons doing business in the form of sole proprietorships, or partnerships, or corporations. Any individual doing business under an assumed name, or any business operating in the form of a partnership or corporation, may sue or be sued in the business name, but service of process must be properly accomplished. Service of process directed to individuals is effected by delivery directly to the person. Service of process on business entities is more difficult and must be accomplished by service on an agent or person authorized to accept service.

For example, if a defendant is a partnership, the citation may be directed to one member of the partnership, and service effected on that one member authorizes a judgment against the partnership and the partner actually served. If the defendant is a corporation, citation may be served by serving the corporation's president or any vice-president, or the corporation's registered agent. If the corporation's registered agent cannot be found at the corporation's registered office, then service of process may be made on the Secretary of State.

To determine the exact legal nature of a business entity, the plaintiff may look at the Assumed Name Records maintained by the County Clerk, or contact the Corporation Division of the Office of the Secretary of State, or the Office of the State Comptroller.